

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

RICHARD T. FARREN

Plaintiff,

vs.

Civil Action No. 04 CV 995

**EXPERIAN INFORMATION
SOLUTIONS, INC.**

and

TRANSUNION, LLC

and

ANDERSON FINANCIAL NETWORK, INC.

and

GMAC

and

RJM ACQUISITIONS FUNDING, LLC

Defendants.

**DEFENDANT, RJM ACQUISITIONS FUNDING, LLC'S, MOTION IN LIMINE
TO BAR PLAINTIFF FROM CALLING NEIL MATTE AND SAMIR SHAH AS
WITNESSES AT TRIAL**

Defendant, RJM Acquisitions, LLC, by and through its attorneys, Messer & Stilp, Ltd. and Maurice & Needleman, P.C. request that the Court enter an Order barring Plaintiff from calling Neil Matte or Samir Shah as witnesses at trial, and in support thereof state as follows:

1. In his Amended Pretrial Memorandum, filed October 7, 2005, Plaintiff has indicated that he intends to call the following RJM representatives as witnesses at trial: Neil Matte, Samir Shah, Joan Tischler, Cassandra Pannell, Lynn Cohen, and John Coscia.

2. As stated under the “Summary of Facts as to Liability” in Plaintiff’s Amended Pretrial Memorandum, the three actions Plaintiff claims RJM took that resulted in its liability are (1) “...RJM twice verified the collection account to [Trans Union and Experian as Plaintiff’s]”, (2) “...RJM sent a dunning letter to Mr. Farren”, and (3) “...RJM continued to report [Plaintiff’s account] until after this action was filed.”

3. While Joan Tischler, Cassandra Pannell, Lynn Cohen, and John Coscia were involved with Plaintiff’s account at RJM and can provide first hand testimony regarding the manner in which RJM handled Plaintiff’s account, Mr. Matte and Mr. Shah can provide no such testimony.

4. In fact, because they had no involvement with Plaintiff’s account, the only testimony Mr. Matte or Mr. Shah could provide would be testimony regarding the procedures RJM employs to investigate consumer disputes under the Fair Credit Reporting Act. However, this Court has already ruled that RJM’s procedures for investigating such disputes is reasonable as a matter of law. Thus, no such testimony is warranted.

5. Mr. Matte and Mr. Shah are responsible for overseeing day to day operations at RJM and to require that they attend trial, when there is no real evidentiary benefit to Plaintiff, would be unreasonable and overly burdensome to RJM. This is especially true considering that certain key RJM employees will be out of the office as are result of the trial

WHEREFORE, Defendant requests that this Court to grant its Motion in Limine and enter an Order barring Plaintiff from calling Neil Matte or Samir Shah as witnesses at trial, and for any and other relief as this Honorable Court deems just and equitable.

Respectfully submitted,
MAURICE & NEEDLEMAM, P.C.

S/ JOANN NEEDLEMAN
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Date: October 14, 2005

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CERTIFICATE OF SERVICE

Joann Needleman, Esq. hereby certifies that on this date, the foregoing Motion in Limine to Bar Plaintiff from calling Neil Matte and Samir Shah as Witnesses at Trial on behalf of Defendant, RJM Acquisitions Funding, LLC was served, via U.S. Mail, postage prepaid, upon the following counsel of record:

Mark D. Mailman, Esquire
John Soumilas, Esquire
Francis & Mailman, P.C.
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Respectfully submitted,
MAURICE & NEEDLEMAN, P.C.

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Date: October 14, 2005